



# UNITED STATES PATENT AND TRADEMARK OFFICE

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09/960,306	09/24/2001	Donald Richard LaCoy	20272/0688	5354

7590

09/30/2003

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EXAMINER

HARVEY, JAMES R

ART UNIT

PAPER NUMBER

2833

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/960,306

Applicant(s)

LACOY, DONALD RICHARD

Examiner

James R. Harvey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on RCE filed 7-17-03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 11-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### ***DETAILED ACTION***

#### ***Continued Examination Under 37 CFR 1.114***

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7-7-03 has been entered.

#### ***Claim Objections***

- Claim(s) 1-5 and 11-13 are objected to because of the following informalities:
  - In reference to claim 1, line 7, the claim limitation "each adjacent pair of said groups", it is not clear what protection is being sought by the phrase "adjacent pair". On line 5, a group is defined as having two wires. Figure 6 shows three groups. The phrase "adjacent pair" was not found in the application's Detailed Description portion. For purposes of examination, it is assumed that applicant intended to claim "each of said groups" (i.e. "each [adjacent pair] of said groups"). A rejection based upon prior art, as best understood, is addressed below.
  - In reference to Claim 1, line 8, concerning the claim limitation "each adjacent pair of groups", it is unclear for two separate reasons. One of the reasons it is unclear is because it lacks proper structure. It should first be amended as "each adjacent pair of said groups". The second reason it is unclear is because of the phrase "adjacent pair" causes the same confusion as discussed

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above (i.e. the objection to the phrase “adjacent pair” being used on line 7 of claim 1). A rejection based upon prior art, as best understood, is addressed below.

-- Appropriate correction of the above is required.

### ***Claim Rejections - 35 USC § 112***

- The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- Claim(s) 5 is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- The following have no proper antecedent basis or are considered to be vague and indefinite:

-- In reference to Claim 5, on line 18 the phrase “a circumferential spacing between *adjacent wires*” (italics added) is introduced and on line 19, the phrase “a circumferential spacing between each of the three *pairs of wires*” (italics added) is introduced. On line 21, “the circumferential spacing between any *adjacent pair of wires*” (italics added) is introduced. The phrase on line 21 appears to be some type of mixture of “*adjacent wires*” (line 18) and “*pairs of wires*” (line 19). It is unclear as to applicant's intentions are to require “the circumferential spacing” (line 21) refer to “a circumferential spacing between *adjacent wires*” (line 18) or “a circumferential spacing between each of the three *pairs of wires*” (line 19). A rejection based upon prior art, as best understood, is addressed below.

-- Appropriate correction of the above is required.

***Claim R jections - 35 USC § 102***

- The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

- Claim(s) 1-5 and 11-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Bonhomme (4203647).

-- In reference to claim 1, Bonhomme shows (figure 11)

a retaining structure 19 and a plurality of wires 3 extending along the socket in a hyperboloid arrangement suitably exposed for contact with a male contact member inserted within the socket,

wherein the wires are arranged in groups of at least two wires each (see examiner's detail ), and

wherein a circumferential spacing of the wire in each group is closer than a circumferential spacing between each adjacent pair of the groups (see examiner's figure), and

wherein the circumferential spacing between each adjacent pair of groups is free of any wires.

-- In reference to claim 5, Bonhomme shows (figures 2 and 6 ) also (see examiner's figure)

a first support member 6 at one end of the socket;

a second support member 7 at an opposite end;

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a first pair of resilient contact wires extending along the socket at an angle to an axis of the socket,

wherein corresponding wires are attached to the first and second support members at opposite ends;

a second pair of resilient contact wires extending along the socket at an angle to the axis; the second pair of wires being circumferentially spaced around the socket from the first pair and being attached with the first and second support members at opposite ends; and

a third pair of resilient contact wires extending along the socket at an angle to the axis; the third pair of wires being circumferentially spaced around the socket from the first and second pair (see examiner's detail) and being attached with the first and second support member at opposite ends such that

the three pairs of wires make a hyperboloid arrangement and are suitably exposed for contact with a male 11 contact member inserted with the socket,

wherein a circumferential spacing between adjacent wires in each of the first and second pairs of wires is less than a circumferential spacing between each of the three pairs of wires (see examiner's figure), and

wherein the circumferential spacing between any adjacent pair of wires is free of any wires.

-- In reference to claim 2, Bonhomme shows the wires in each group extend along the socket in contact with one another. The meaning of "contact" is a broad term that can mean either

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physical contact or electrical contact, Bonhomme shows the wires are in electrical contact with one another.

-- In reference to claims 3 and 11, the socket includes three groups of two wires each (see examiner's figure) .

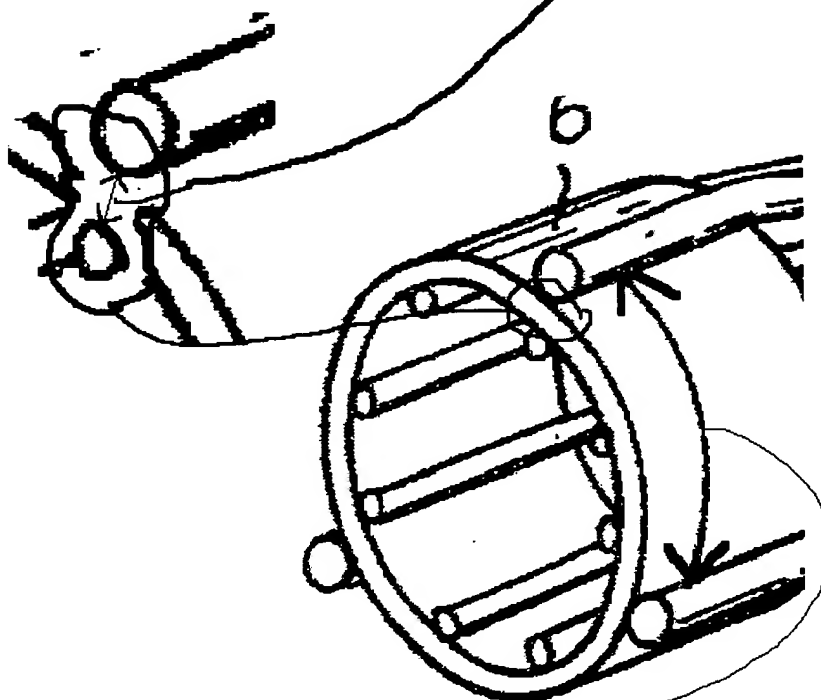
-- In reference to claims 4, 12, and 13, the retaining structure 12 includes a ring at each end of the socket, and

wherein the wires are retained in groups by attachment to the rings at opposite ends of the socket.

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wherein a circumferential spacing of the wire in each group is closer than  
(circumferential spacing means spacing between circumferences)

Examiner's note



wherein the circumferential spacing between each adjacent pair of groups is free  
of any wires.

The second circumferential spacing is about the  
outside circumference of the retaining structure

Examiner's note



*Response to Arguments*

-- In response to applicant's argument (page 6, line 19 ) concerning that the wires 18 are not contacted, it appears that applicant is implying that the claim language requires physical contact rather than the electrical contact shown by the reference. If applicant wishes patent protection for physical contact, applicant must amend the claim in a manner consistent with that limitation.

-- In response to applicant's argument (page 6, line 20 ) concerning that the wires 18 are not resilient in a manner required by the claims, applicant has not defined how the reference does not meet the claim limitation of resilient. The meaning of "resilient " is not set forth in the claims and is thus deemed to be so broad that it is met by the applied reference which meets the definition of the American Heritage dictionary of capable of returning to an original shape (see attached definition from The American Heritage Dictionary).

-- In response to applicant's argument (page 7, line 3) concerning the reference does not show "adjacent pair", this phrase has been objected to above because the phrase is not supported in the specification and makes it unclear what the applicant is seeking patent protection for.

-- In response to applicant's argument (page 7, lines 7-12), the phrase "adjacent pairs of wires" has been rejected above because it is not clear what the applicant is seeking patent protection for. Further, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

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**Conclusion**

- Effective May 1, 2003, the United States Patent and Trademark Office has a new Commissioner for Patents address. Correspondence in patent related matters must now be addressed to:

**Commissioner for Patents**

**P. O. Box 1450**

**Alexandria, VA 22313-1450**

For additional information regarding the new address, see Correspondence with the United States Patent and Trademark Office, 68 Fed. Reg. 14332 (March 25, 2003).

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to James R. Harvey whose telephone number is 703-305-0958. The examiner can normally be reached on 8:00 A.M. To 5:00 P.M.
- If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on 703-308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7724 for regular communications and 703-308-7722 for After Final communications.
- Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0952.

James R. Harvey, Examiner

jrh

September 23, 2003



**THO D. TA**  
**PRIMARY EXAMINER**